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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/869,978	07/10/2001	Graham G R Jones	36-1452	4337

7590 06/09/2004

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EXAMINER

LE, DEBBIE M

ART UNIT PAPER NUMBER

2177

DATE MAILED: 06/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/869,978

Applicant(s)

JONES ET AL.

Examiner

DEBBIE M LE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Response to Amendment

Applicants' arguments filed on 4/5/04. Claims 1-12 are presented for examinations.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of

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35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sebastian et al (US Patent Reissued No. 36,602) in view of Talbott et al (US Patent 5,359,523).

As per claims 1 and 7, Sebastian discloses a sytem for automated concurrent engineering for the concurrent design of parts, tools and processes to the product lifecycle comprising:

means for storing a first set of data elements representing a first set of requirements (fig. 3, # 42, col. 15, lines 25-39); means for storing a second set of data elements representing a second set of requirements (col. 15, lines 40-47); means for storing a third set of data elements representing a functional design specification (col. 15, lines 48-65, col. 8, lines 19-29).

Sebastian does not explicitly teach means for assigning a unique identifier to each data element of each of said first, second and third sets of data elements; means for establishing a set of links arranged to directly associate identifiers of data elements from said first set and to directly associate identifiers of data elements from said second set with identifiers of data elements from said third set. However, Talbott teaches assigning a unique identifier to each data element (col. 4, lines 66-67, col. 5, lines 1-6) means for establishing a set of links arranged to directly associate identifiers of data elements (col. 5, lines 6-19). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references to

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implement the steps of assigning a unique identifier to each data element and establishing a sets of links between them in order to allow the system to provide the requirements traceability during the product development lifecycle from the concept definition, functional design and detailed design due to the changes in a number of features according to a user requirements.

As per claims 2 and 8, Talbott teaches means for storing a set of said identifiers assigned to elements of said third sets and means for establishing a set of links arranged to directly associate said set of identifiers with the corresponding identifiers of said third set (col. 12, lines 64-67, col. 13, lines 1-9).

As per claims 3-4 and 9-10, Talbott teaches means for assigning identifiers assigns identifiers comprising: a first part identifying the set of elements to which the identifier is assigned, a second part identifying the data element to which the identifier is assigned within the set of elements; a third part indicating the type of data element to which the identifier is assigned, means for establishing a set of links is operable to establish a further set of links o associate identifiers of data elements from a further set with data elements fro said third set. (col. 8, lines 13-24, col. 10, lines 1-11).

As per claims 5 and 11, Talbott teaches means for associating one or more attributes such as a compliance attribute to one r more of said links (col. 9, lines 12-30).

As per claim 6 and 12, Talbott teaches a graphical user interface comprising:

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a first means for displaying data elements; a second means for displaying the identifier associated with the data element displayed by the first means; a third means for displaying associated identifier and wherein the user interface is operable, in response to an input command, to cause the second means to display the data element associated with an identifier displayed by third means (fig. 6, col. Col. 5, lines 49-59).

Response to Arguments

Applicant's arguments filed 4/5/04 have been fully considered but they are not persuasive.

Applicants argued that Sebastian does not disclose a second set of requirements.

In response, the examiner respectfully submits that Sebastian does teach a second set of requirements at column 16, lines 27-31 "the steps of FIG. 3 can **be modified to suit individual requirements**...the preliminary process **specification are produced concurrently**". As laid out in the rejection that the first set of requirements determined be the customer requirements in FIG. 3. Therefore, the first set of requirements can be modified to suite individual requirements and this specification are produced concurrently.

Applicants argued that Talbott fails to teach how these two different sets of requirements would be modified to map to functional design specification(s).

In response, the examiner respectfully disagrees. It is noted that the specification is not the measure of invention. Therefore, limitations contained

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therein can not be read into the claims for the purpose of avoiding the prior art. In re Sporck, 55 CCPA 743, 386 F.2d 924, 155 USPQ 687 (1968) and it is further noted **that claimed are to be given their broadest reasonable interpretation during prosecution, and the scope of a claim cannot be narrowed by reading disclosed limitations into the claim.** See in re Morris, 127 F.3d 1048, 1054, 44 USPQ2d 1023, 1027 (Fed. Cir. 1997); In re Zletz, 893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989); In re Prater, 415 F.2d 1393, 1404, 162 USPQ 541, 550 (CCPA 1969). The claimed "assigning a unique identifier to each data element of first, second and third sets of data elements, means for establishing a set of links arranged to directly associate identifiers of data elements from said first set and to directly associate identifiers of data elements from said second set with identifiers of data elements from said third set", **when the term is given its broadest reasonable interpretation, is anticipated by the "each SLAB 78 has a unique identifier" and "links between SLABs 78"** (col. 5, lines 1-6) of Marbaker because the unique identifier is assigned to each SLAB and links between SLABs indicate assigning a unique identifier to each data element and establishing a set of links. From the above passages, the Sebastian and Talbott invention were combined does disclose the invention of present application.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DEBBIE M LE whose telephone number is 703-308-6409. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOHN BREENE can be reached on 703-305-9790. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DEBBIE M LE
Examiner
Art Unit 2177

Debbie Le

June 7, 2004.



GRETA ROBINSON
PRIMARY EXAMINER